

EXHIBIT 1

BROWN DECLARATION IN SUPPORT OF MOTION TO STRIKE

----- Forwarded by Robert A Mittelstaedt/JonesDay on 03/13/2013 07:56 PM -----

From: Robert A Mittelstaedt/JonesDay
To: Joseph Saveri <jsaveri@saverilawfirm.com>, "Dermody, Kelly M." <kdermody@lchb.com>, "Glackin, Brendan P." <bglackin@lchb.com>
Date: 03/13/2013 07:52 PM
Subject: HTEAL--several things

1. To give you a heads-up, we produced today and will hand deliver tomorrow a couple of agreements that you might want to consider for Bruce Chizen's deposition on Friday. They include the 1994 addendum to the Adobe/Apple Master Agreement for Mutual Disclosure which includes a nonsolicit provision and another contract related to a dedicated onsite technical consultant that also includes an NSA.

2. Here's the wording we agreed on, although the expert schedule is now inoperative:

Plaintiffs' initial expert reports are due April 11, 2013. Defendants' rebuttal expert reports are due May 2, 2013. Plaintiffs' reply expert reports are due May 16, 2013, with no change in the existing expert discovery cutoff of May 23, 2013. Reply reports must be limited to true rebuttal and should be very brief. They should not add new material that should have been placed in the opening report.

Plaintiffs will withdraw the 30(b)(6) notices served yesterday. Defendants will stipulate that documents they produced from their files with Bates numbers are authentic, subject to the right to challenge authenticity of specific exhibits when plaintiffs identify them for use in the case. If defendants challenge authenticity, they will permit appropriate discovery on that issue, without regard to the discovery cutoff date. Plaintiffs will provide a list of documents that they request defendants stipulate are business records. For any such documents that defendants declined to so stipulate as to their admissibility, defendants will permit appropriate discovery on that issue, without regard to the discovery cutoff date.

3. On redacted board minutes, I will doublecheck that we have provided the responsive material and remain willing to discuss anything on the redaction log that you want to so that there is no dispute going forward.

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